

State and Local Government in Louisiana: An Overview 2008-2012 Term

CHAPTER 2 — STATE GOVERNMENT FUNCTIONS

Part F. Natural Resources and the Environment

The natural resources of Louisiana include land, minerals, water, fish and wildlife, and the environment of our state. The Department of Natural Resources, the Department of Environmental Quality, the Department of Wildlife and Fisheries, the Wildlife and Fisheries Commission, and the Department of Agriculture and Forestry share responsibility for protecting, conserving, and managing these resources.

DEPARTMENT OF NATURAL RESOURCES

The Department of Natural Resources is responsible for the conservation, management, and development of water, minerals, and other natural resources of the state and for the administration of state lands. The department is headed by a secretary, appointed by the governor and confirmed by the Senate. The major components of the department are the office of the secretary, the office of management finance, the office of conservation including the Commissioner of Conservation, the office of mineral resources and the State Mineral Board, and the office of coastal restoration and management. The department maintains satellite offices in New Orleans, Monroe, Shreveport, Lafayette, and Thibodaux.

- Office of the Secretary

The secretary is appointed by the governor and is the chief administrative officer of the department. He is responsible for the implementation of state policy provided by law for the department. He is in charge of the administration, control, and operation of the functions, programs, and affairs of the department. Additionally, the secretary is an ex officio member of the State Mineral Board.

The office of the secretary of the Department of Natural Resources includes a number of programs and agencies:

- Technology and energy research and development division. The technology section is responsible for the Strategic Online Natural Resources Information System (SONRIS) which includes online oil and gas records and coastal documents, maps, and other data accessible via the internet. GIS information for over 200,000 wells located in Louisiana can be found at the department's website, www.dnr.state.la.us.
- Legal, public information, and energy sections. The energy section administers the Home Energy Loan Program and assisted in creating the state's Commercial Building Code.
- Atchafalaya Basin Program.

- Office of Conservation/Commissioner of Conservation

The office of conservation is headed by the commissioner of conservation who is appointed by the governor. The office is responsible for the regulation and conservation of the natural resources of the state not specifically within the jurisdiction of other offices. Its functions include the following:

- Conservation of oil and gas resources of the state.
 - Promotion and encouragement of exploration, production, and refining efforts for oil and intrastate gas.
 - Regulation of the construction and operation of intrastate pipeline systems, including pipeline safety.
 - Implementation of emergency gas shortage allocation plans.
 - Regulation of the minimum sales price of intrastate natural gas.
 - Regulation of underground injection wells for hazardous and nonhazardous waste.
 - Clean up of abandoned oil field waste sites. Over 200 orphaned oil field sites in the state are cleaned up each year under the Oil Field Site Restoration Program.
 - Ground water resources.
 - Removal of underwater structures.
- Office of Mineral Resources/State Mineral Board

The State Mineral Board is an independent agency within the office. It has the responsibility to lease state land for the development and production of minerals, oil, and gas. The eleven-member board is composed of the governor, the secretary of the Department of Natural Resources, and nine members appointed by the governor for six-year terms.

The office of mineral resources functions as the staff for the State Mineral Board and is responsible for leasing state lands and water bottoms for the development and production of minerals, oil, and gas. The office exercises the option of the state to receive in kind the portion due to the state as mineral royalties produced from leased premises, and receives, administers, and controls royalties due in kind to the state. The office of mineral resources collects in the neighborhood of \$350 million each year for deposit in the State General Fund.

- Office of Coastal Restoration and Management

The office of coastal restoration and management oversees all programs and projects for conservation and restoration of coastal wetlands and is divided into two divisions: the coastal restoration division and the coastal management division.

Coastal Protection and Restoration Plan. The office of coastal restoration and management is the lead state agency for implementation of the Coastal Protection and Restoration Plan. The plan is developed by Coastal Protection and Restoration Authority in the governor's office and approved by the legislature. Funding for the plan comes largely from the federal government.

Coastal Zone Management Program. The coastal management division regulates activities in the coastal zone through issuing coastal use permits, conducting coastal

management research, monitoring uses of the coastal areas, and administering the Coastal Zone Management Program. In 1998, the coastal management division adopted the programmatic general permit (PGP) which consolidated the permitting processes of federal and state agencies. The division is currently in the process of further streamlining the permit process. This office is also responsible for the distribution and administration of the Coastal Impact Assistance Program (CIAP).

WILDLIFE AND FISHERIES

The authority over wildlife and aquatic life in the state is shared by the Louisiana Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries.

Louisiana Wildlife and Fisheries Commission

Constitutional Article XI, Section 7 vests "... control and supervision of wildlife of the state, including all aquatic life..." with the Wildlife and Fisheries Commission. The commission is composed of seven members appointed by the governor. Six members serve overlapping six-year terms and one member serves a term concurrent with the governor. No person may serve longer than six years. Three members are required to be electors in the coastal parishes and representatives of commercial fishing and fur industries. The remaining four members are required to be electors from the state at large and representative other than commercial fishing and fur industries.

The commission meets on the first Thursday of each month. Hunting and fishing seasons, times, places, size limits, creel limits, and quotas are generally set by the commission.

Department of Wildlife and Fisheries

The Department of Wildlife and Fisheries functions as staff for the Wildlife and Fisheries Commission. However, the department also has functions and responsibilities separate and apart from its role as staff for the commission. The department is statutorily vested with control and supervision over all the wildlife of the state, including fish and other aquatic life, and is given the authority to administer and enforce laws relating to the management, protection, conservation, and replenishment of wildlife, fish, and aquatic life. In addition, the department is responsible for the conservation and management of all renewable resources on properties owned and managed by the department. The department is divided into four separate offices: the executive office, the office of management and finance, the office of fisheries, and the office of wildlife.

- Executive Office

The secretary serves as the chief administrative officer of the department. Included in the executive office are the legal staff, a planning staff, the education and information division, and the enforcement division.

- Office of Management and Finance

The office of management and finance provides the accounting, budgeting, procurement, personnel management, data processing, and general administrative services for the Department of Wildlife and Fisheries. In addition, the office of management and finance contains the licensing section of the department.

- Office of Fisheries

The office of fisheries is responsible for the administration and operation of programs relating to saltwater fisheries, freshwater fisheries, water bottoms, and seafoods, including but not limited to the regulation of sport and commercial fishing, the oyster, shrimp, and marine fishing industries, the licensing of vessels engaged in the industry, and the collection of the severance tax on shrimp, oysters, sand, gravel, and fill materials severed from state water bottoms. The office fulfills its responsibilities through the marine fisheries division and the inland fisheries division.

Marine Fisheries Division

The management of the state's marine fisheries throughout coastal Louisiana is the marine fisheries division's primary responsibility. This is accomplished through multiple programs:

Fisheries Management Programs:

- Shellfish and Finfish Management.
- Oyster Leasing Section.
- Artificial Reef Program

Habitat Protection Programs:

- Oil Spill Task Force.
- Seismic Monitoring.
- Coastal Wetlands Conservation and Restoration.

Inland Fisheries Division

The Inland Fisheries Division is responsible for freshwater fish management and research.

- Freshwater management of public water bodies
- Fish stocking. Stocking is accomplished utilizing hatcheries located at Toledo Bend, Monroe, Forest Hill and Lacombe
- Invasive aquatic plants

- Office of Wildlife

The office of wildlife consists of two divisions, the wildlife division and the fur and refuge division. These two divisions differ in mission and focus. The fur and refuge division's areas of responsibility are largely coastal (marsh), furbearer (including alligators), permitting, and non-game (including urban wildlife and threatened and endangered species). The wildlife division's areas of responsibility are largely outside of the coastal zone (except for waterfowl), forest and

Wildlife Refuges (including parish where located)

Marsh Island	Iberia
Rockefeller	Cameron, Vermilion
St. Tammany	St. Tammany
State Wildlife Refuge	Vermilion
Terrebonne Barrier Islands	Terrebonne

farm-based, permitting, and game.

The fur and refuge division is responsible for:

- The alligator management program.
- The reptile and amphibian program.
- The furbearer management program, including the Coastwide Nutria Control Program.
- Mineral activity and coastal use permits.

The wildlife division is responsible for:

- The deer management program.
- The natural heritage program.
- The Louisiana Natural and Scenic Rivers System.
- The upland game management program.
- The urban wildlife management program.
- The wild turkey program.
- The waterfowl management program.

• Department-Managed Lands

The office of wildlife manages about 1.4 million acres of land for wildlife and compatible public uses. These lands encompass most habitat types found in Louisiana. The vast majority of the lands (1.2 million acres) managed by the department are open to public hunting as well as various forms of fishing, bird-watching, and nature study. Deeds of donation prohibit hunting on the 200,000 acres of wildlife refuges. The absence of hunting is the major distinction between management areas and refuges.

Wildlife Management Areas. Hunting regulations for wildlife management areas are generally more restrictive than the statewide regulations because of the intensity of use and management objectives. However, as a rule, resident small game and migratory birds have season length and bag limits the same as outside. Differences are largely limited to shooting hours and the period of time

Wildlife Management Areas (including parish where located)

Acadiana Conservation	Avoyelles, Evangeline, Rapides, St. Landry
Alexander State Forest	Rapides
Atchafalaya Delta	St. Mary
Attakapas	Iberia, St. Martin
Bayou Macon	East Carroll
Bayou Pierre	Red River
Bens Creek	Washington
Big Colewa Bayou	West Carroll
Big Lake	Franklin, Madison, Tensas
Biloxi	St. Bernard
Bodcau	Bossier, Webster
Boeuf	Caldwell
Boise-Vernon	Vernon
Buckhorn	Tensas
Camp Beauregard	Rapides
Dewey W. Wills	LaSalle
Elbow Slough	Rapides
Elm Hall	Assumption
Floy Ward McElroy	Ouachita
Fort Polk	Vernon
Grassy Lake	Avoyelles
Hutchinson Creek	St. Helena
Jackson-Bienville	Bienville, Jackson
Joyce	Tangipahoa
Lake Boeuf	Iberia
Lake Ramsey	St. Tammany
Little River	Grant
Loggy Bayou	Bossier
Manchac	Tangipahoa
Marsh Swamp	Evangeline
Maurepas Swamp	Ascension, St. James, St. John
Ouachita	Ouachita
Pass-a-Loutre	Plaquemines
Pearl River	St. Tammany
Peason Ridge	Natchitoches, Sabine, Vernon
Pointe-aux-Chenes	Lafourche, Terrebonne
Pomme de Terre	Avoyelles
Red River	Concordia
Russell Sage	Ouachita
Sabine	Sabine
Sabine Island	Calcasieu
Salvador/Timken	St. Charles
Sandy Hollow	Tangipahoa
Sherburne	Pt. Coupee, St. Martin, Iberville
Sicily Island Hills	Catahoula
Soda Lake	Caddo
Spring Bayou	Avoyelles
Tangipahoa School Board	Tangipahoa
Thistlethwaite	St. Landry
Three Rivers	Concordia
Tunica Hills	West Feliciana
Union	Union
Walnut Hills	St. Feliciana
West Bay	Allen

allowed for hunting squirrels and rabbits with beagles. Deer seasons are considerably shorter inside the wildlife management areas than seasons outside the areas.

- Conservation Fund

The Conservation Fund is the major funding source for the department. The fund pays for all the basic operations of the department. It provides the state matching for all federal funds and the "over-match" funds when the federal funds only cover a portion of a project. If the department's other funding sources dry up, the Conservation Fund is the replacement "rainy day" fund.

Revenue for the fund comes from a variety of different sources. The two largest sources of revenue are licensing and oil and gas-related revenue. Revenue created from licensing is generated from recreational fishing, recreational hunting, and commercial fishing. Oil and gas-related revenue comes from land and water bottom rentals, royalties, bonuses, and fees. Declining oil prices play a role in the decline in revenues to the Conservation Fund. In addition, the number of hunting and fishing licenses has been steadily decreasing over a several-year span of time further compounding the decline in revenues. At the current time, the department is hoping to develop alternate sources of revenue.

STATE LAND OFFICE

The State Land Office in the division of administration is responsible for the identification, administration, and management of state public lands and water bottoms. It works with a broad range of clientele having varying degrees of interest in public lands, navigable water bottoms, and minerals. The primary goal of the office is to ensure the highest economic return and the maximum public utilization of our state public lands and water bottoms.

Emphasis is placed by the office on increasing revenue production through multiple utilization while ensuring continued public utilization of state public lands and water bottoms. Multiple utilization includes land and timber sales; surface and sub-surface leasing; the issuance of rights-of-way and surface and subsurface agreements; and water bottoms permitting.

Records Section

This section of the office can trace its history to the original creation of the State Land Office in 1844, whose function was to sell state-owned lands and maintain the records, documents, and plats of said sales. The records and maps kept by the section provide the evidence of state ownership which is used to develop revenues from surface leasing and permitting for the State Land Office, and mineral leasing for the Department of Natural Resources.

Titles and Survey Section

Pursuant to the statutory responsibility of the commissioner of administration to make title determinations and boundary settlements, this section serves as technical consultant to do all necessary surveying and title work. This technical assistance is important in the evaluation of the state's title during the review of state mineral lease applications on behalf of the Department of Natural Resources, office of mineral resources. The evaluation not only assists the Department of Natural Resources in the preparation of the proper title description to be used in the lease contract, but also ensures the correctness of the description submitted in its bidding

process. The section also acts as title consultant to the Office of the Attorney General, the State Mineral Board, the Department of Wildlife and Fisheries, and other agencies directly or indirectly involved with state public lands.

Land and Waterbottom Management Section

This section is responsible for the proprietary aspects of land management, excluding minerals. Its programs include land sales, right-of-way and surface leases, water bottom permits and leases, and timber management.

MAJOR NATURAL RESOURCES ISSUES FACING THE STATE

Coastal Preservation and Restoration

The state of Louisiana loses approximately twenty-five square miles of land each year in its coastal region. This loss of land is attributable to many different factors, such as erosion; canal, channel, and levee construction; subsidence; hurricanes; and development. Hurricanes Katrina and Rita demonstrated just how important coastal preservation and restoration is for our state.

Impact of coastal erosion. The impact of this loss of land in Louisiana is broad-based and enormous. Loss of land will be felt by coastal communities not only because yards, roads, and fields will be disappearing, but also because the land and marsh offer storm protection and provide fish and wildlife habitat for the hunters and fishers of the state, both commercial and recreational. The fisheries industry in Louisiana has a direct value of approximately \$1 billion a year. There is indirect value which can be added to that figure. Fish are obviously impacted by land and marsh loss. Wildlife also is dependent on the marshes and coastal areas of Louisiana for food and habitat. The coast provides wintering grounds for hundreds of thousands of waterfowl and is the location of the hunting that accompanies the presence of those waterfowl. In addition, Louisiana has a fairly large alligator industry which is dependent on the coastal marshes.

Impact on oil and gas industry. The loss of land along our coast also has a tremendous impact on the oil and gas industry which is so important to our state. Since the industry developed at a time when there was much more land along our coastal regions than there is now, the oil and gas industry infrastructure was built to exist on land with no anticipation that the infrastructure would one day be floating on water. The loss of land exposes pipelines and platforms to wave action, to storm surge, and even to the possibility of being hit by marine traffic. And, the ports which service the oil and gas industry and the roads necessary to reach those ports are obviously at risk due to land loss. It will be difficult to continue to service the Gulf of Mexico oil and gas industry when there is no land on which to maintain port facilities and roads.

When the hurricanes hit in 2005, the oil and gas industry in the Gulf of Mexico was shut in (not producing) for several months. The impact was felt nationwide.

Another industry which will feel the impact of coastal loss in Louisiana is the shipping industry. More than 400 million tons of commerce move through Louisiana waters each year. Barge traffic which traverses canals throughout the coast will definitely feel the impact of land loss. The oil and gas industry also uses those same canals to service its facilities and move its products. Two other areas where the loss will be felt are infrastructure (roads and highways) and recreation. The coastal region of Louisiana is of enormous importance to the state and to

the industries which provide the state with its economic backbone.

Agencies working together. There are many different agencies, both state and federal, working together to develop and implement a coordinated plan to preserve and restore as much of our state's coastline as possible. The governor's Office of Coastal Activities was created to coordinate coastal activities among the state agencies. The state Department of Natural Resources, through its office of coastal restoration, the state Department of Wildlife and Fisheries, many researchers at LSU, UNO, ULL, Tulane, and Nicholls, the Department of Transportation and Development, the Department of Environmental Quality, and the Department of Agriculture and Forestry all play a role in coastal restoration activities. In addition to the state agencies, several federal agencies are involved, including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Geological Survey and its Wetlands Research Center in Lafayette, the National Oceanographic and Atmospheric Administration, the U.S. Department of Agriculture, and the U.S. Environmental Protection Agency.

Coastal Wetlands Planning, Protection and Restoration Act. In 1989, the U.S. Congress enacted the Coastal Wetlands Planning, Protection and Restoration Act which included funding for a ten-year period of time. The act is commonly called either CWPPRA or the "Breaux Act." The funds are derived from a user fee on certain recreational outdoor equipment, and on small engines and fuel used in those small engines. There are two task forces which review and approve plans for expenditure of the funds. One is a state/federal task force and one is a task force composed entirely of state agency representatives. The state task force was originally called the Coastal Wetlands Planning and Restoration Authority (*R.S. 49:213.1 et seq.*). After the hurricanes, the responsibility of the authority was broadened to include coastal protection (such as, levees and broad-based regional flood control projects) and the name was changed to the Coastal Protection and Restoration Authority.

Future efforts. Prior to 2005, the state's coastal efforts were largely a series of small, individual projects located along the coast. Current and future efforts were beginning to be more along the lines of a coordinated effort to enter into complex projects with many different phases which have greater impact over a larger area of the coast. The impact of Hurricanes Katrina and Rita made it obvious to all involved how important coordination was and how essential it would be for us to look in a much broader manner.

The Department of Natural Resources spent several years in the development of a coordinated plan for the coastal areas of the state. State, federal, and local public agencies and many private organizations and individuals were involved in the process of development for this plan. It is called "Coast 2050: Toward a Sustainable Coastal Louisiana." This plan became the foundation for the development of the coordinated plans for coastal protection and restoration that are currently being pursued.

Objectives in the Coast 2050 Plan include:

- Barrier Island/shoreline protection.
- River diversions.
- Sediment introduction.
- Chenier plain restoration.
- Land bridge maintenance.
- Atchafalaya flow optimization.
- Hydrology and drainage improvements.

In addition to Coast 2050, using the talents and knowledge of the federal and state agencies and universities an effort was made prior to the 2005 to develop the Louisiana Coastwide Assessment which was presented to Congress in 2004. The LCA is a plan for conservation and restoration of Louisiana's coastal wetlands. The objectives outlined in the Coast 2050 plan are a major component of the blueprint for coastal stabilization and restoration in the next century. Funding for the LCA was included in the Water Resources Development Act (WRDA) which was recently passed by congress.

Also provided in that WRDA bill (the first passed by congress in nearly six years) is funding for a coordinated and comprehensive plan for coastal protection and restoration. The Coastal Protection and Restoration Authority developed the Comprehensive Master Plan for Coastal Protection and Restoration which was adopted by the Legislature during the 2007 Regular Session. In addition to the plans offered by the state, the U.S. Army Corps of Engineers is under instructions from congress to present their comprehensive and coordinated plan to prevent recurrences of the disasters that hit south Louisiana during hurricane season 2005. The Corps designated a team of state and federal agencies to work with them in the development of such a plan. The Corps is expected to present a preliminary draft to congress in December 2007 with the final plan to be presented for adoption during the summer of 2008. The state's Comprehensive Master Plan adopted during the spring of 2007 outlines for congress what the state would like to see happen. The hope is that the Corps' report will strongly resemble the state's report.

Invasive Species Control and Management

An issue that is becoming of greater concern to the state of Louisiana is control of non-native invasive species. And, it is an issue that is also related to coastal restoration because it is an issue that must be recognized and incorporated into the planning for restoration efforts. The non-indigenous invasive species are so numerous that the country's, and the state's, eco-systems are being completely altered by the presence of the alien species. The battle with these species is estimated to cost the nation more than \$137 billion each year to fund programs to control the spread of the nonnative species, to repair damage to our natural resources and to mitigate the impact on the nation's economy.

National focus. The concern over this issue prompted creation of the National Invasive Species Council in 1999 to begin work on a national policy to meet the challenge of controlling and managing these non-native invaders. The council reported in 2001 with initial proposals. The proposals included a state-by-state assessment of the presence of nonindigenous invasive species, their impact, and possible management regimes to control or eliminate them. Louisiana has responded by creation of a state task force on non-indigenous invasive species. The task force has begun the process of identifying the invasive species which have found their way into Louisiana. The estimates are that of the 1,000 non-native species found in Louisiana, 100 of them are invasive.

Invasive species in Louisiana. Some of the invasive species that have found their to Louisiana include the kudzu, water hyacinth, and salvinia with which we are all familiar. Many of the inland waterways are completely clogged with salvinia. However, Louisiana is also confronted with many other invasive species such as nutria, tallow trees, fire ants, Formosan termites, zebra mussel, and even West Nile virus which killed several people in Louisiana during the summer of 2002. In fact, the chronic wasting disease which has been found in the deer and elk herds in Colorado, Wisconsin, and Illinois and was the subject of great concern in Louisiana recently because of the possible importation of deer from one of those states is an example of

a nonindigenous invasive species.

Movement of the Oil and Gas Industry further Offshore into the Gulf of Mexico

The oil and gas industry is an old industry in the state of Louisiana. Production of petroleum products from land based exploration is decreasing while the new growth of production is in the deepwater regions, largely in the Gulf of Mexico. Our onshore, or "on the shelf," industry is very mature with an aging infrastructure. New discoveries with larger reserves are more likely to be found in deepwater, and we now have the technology to capture those reserves. And, new technology to go even deeper is being developed. The major oil and gas companies have already moved their focus and activities to deepwater and have left the onshore and shelf activity to the smaller independent oil and gas companies.

These changes will necessitate many changes for the state of Louisiana. Our service industries will need to make the conversion to a water-based support system rather than land-based. Our ports will become the jumping-off points for service to the industry. And, revenues to the state from the industry will be decreasing because severance taxes from drilling outside the state boundaries are paid to the federal government, not to the state. These are issues that are likely to be factors in the development of public policy over the next few years.

OTHER ISSUES

Importation of foreign seafood. Increasingly, seafood bought and sold in this country is imported from foreign countries where the food is aquaculturally raised rather than caught in the wild. The cost of the seafood is significantly lower than seafood caught and processed in Louisiana. The potential damage to our seafood industry is obvious. Although import tariffs which could control some of the importation are federal issues, this issue bears continued watching by the legislature.

Access to water bodies. Access to water bodies is a long-term simmering issue that has recently begun to boil. Louisiana Civil Code Article 450 states that "... Public things are owned by the state or its political subdivisions in their capacity as public persons" and "Public things that belong to the state are such as running waters, the waters and bottoms of natural navigable water bodies, the territorial sea, and the seashore." However, many canals have been dug along the coast for oil and gas purposes, and many of those canals have been dug through private property. The questions that arise from this situation are whether or not those are navigable waterbodies; whether the fish and wildlife found in those canals are covered by the constitutional provisions which give "... control and supervision of the wildlife of the state, including all aquatic life, ..." to the Wildlife and Fisheries Commission (Constitution Art. IX, §7); and can public access to those canals be restricted? The State Land Office is in the process of attempting to identify all lands which are considered to be state lands (and therefore, accessible to the public). Their progress can be seen at the website: <http://www.doa.state.la.us/slo/default.htm>.

DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality (DEQ) is the primary state agency responsible for regulating those activities of man which may adversely impact our environment. The authority of the department derives from the power of the state to protect the health and welfare of her citizens. The constitutional public trust doctrine provides that "the natural resources of the state, including air and water, and the healthful, scenic, historic, and aesthetic quality of the

environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people; and that the legislature shall enact laws to implement this policy." (Const. Art. IX, §1) This policy "does not establish environmental protection as an exclusive goal, but requires a balancing process in which environmental costs and benefits must be given full and careful consideration along with economic, social, and other factors." (Save Ourselves v. La. Environ. Cont. Com'n, 452 So.2d 1152 (La. 1984)).

DEQ exercises this authority through evaluation, constraint, and mitigation of environmental pollutants, and its operations include licensing, investigation and penalty, and clean-up activities. When violations of environmental laws and regulations are discovered, the department may: suspend or revoke permits, issue compliance and cease and desist orders, and impose substantial civil sanctions. Additionally, the courts may impose significant criminal penalties in many cases.

The Department of Environmental Quality oversees many environmental concerns including industrial pollution, hazardous wastes, radiation, solid wastes, landfills, recycling, and litter. It shares administration of sewerage and medical waste issues with the Department of Health and Hospitals. In addition, it works with the Department of Public Safety and Corrections to ensure safety in the transportation of hazardous chemicals on highways and in the development and implementation of chemical accident action plans.

The sphere of environmental protection is dominated by federal law including The Clean Air Act, The Clean Water Act, and other major pieces of legislation that have been passed by Congress over the past 30 years or so. In most instances, federal law is administered by state agencies. In Louisiana, this means that the Department of Environmental Quality functions as kind of a branch office of the Environmental Protection Agency (EPA) issuing licenses, performing inspections, and citing violators all in the enforcement of federal law. One consequence of this is that the Legislature's authority over the activities of the department is often more limited than its authority over other state agencies.

Structurally, the department consists of the office of the secretary, responsible for legal services, criminal investigations, technical expertise, audits, communication and media relations, and special projects; an office of management and finance as is typical of Louisiana's executive branch departments; and three programmatic offices:

- Office of Environmental Services

The office of environmental services contains two divisions, the permit division and the environmental assistance division. These divisions are responsible for all permits, licenses, and certifications; small business and customer assistance; outreach; a

Delegated EPA Programs:

Air Program through the Clean Air Act

- Air permitting, monitoring, assessment and enforcement
- New Source Review
- Small Business Assistance Program

Water Program through the Clean Water Act

- Water permitting, monitoring, assessment and enforcement
- Non-point Source Pollution
- Drinking Water Protection

RCRA Program through the Resource Conservation and Recovery Act

- Hazardous waste and solid waste permitting, monitoring, assessment and enforcement
- Remediation: Corrective Action, Human exposures and Groundwater releases controlled, Ready for Re-use
- Ground water monitoring evaluation
- Underground Storage Tank (UST)

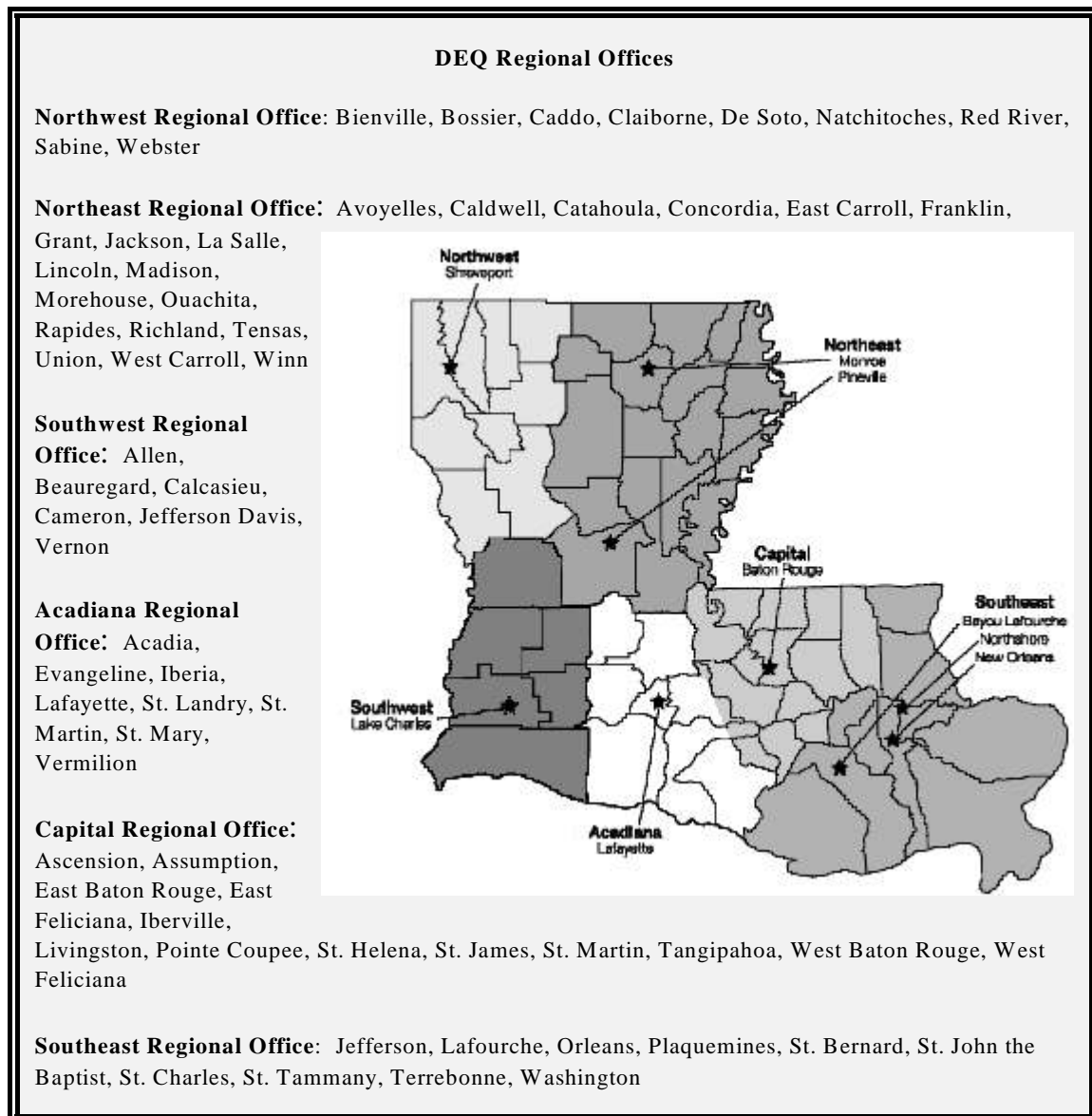
complaints hotline, and community and industry relations.

- Office of Environmental Assessment

The office of environmental assessment is empowered to develop and implement environmental regulations, construct strategic plans, inventory and monitor emissions, and oversee the remediation of contamination. It is also the branch of DEQ that reports on the performance of the environment and provides technical expertise in engineering and geology.

- Office of Environmental Compliance

The surveillance division and the enforcement division are located in the office of environmental compliance. The duties of this office include ensuring compliance with the environmental laws and regulations of Louisiana by surveillance, inspection, responding to emergency situations, and resolving complaints. It is also responsible for taking action to ensure compliance.



Among the natural resources of the state are rich soil, abundant water, and a mild climate all of which help make Louisiana an ideal setting for agricultural and forestry enterprises. These environmental factors have made agriculture one of Louisiana's most important industries. In addition to forest products, major crops include cotton, corn, rice, soybeans, sorghum, grain, sugarcane, strawberries, sweet potatoes, and hay.

The Louisiana Department of Agriculture and Forestry is actively involved in maintaining the health of these and related industries, and it works to develop, promote, conserve, and support them. The department works year round with and for farmers to support overall economic viability and profitability by regulating quality, administering loan and grant programs, regulating trade issues, facilitating distribution, and taking an active role in developing markets for Louisiana products.

The Louisiana Constitution, Article IV, §10, mandates that the commissioner of agriculture and forestry, who is a statewide elected official, shall serve as administrator of the department and shall exercise all functions of the state relating to the promotion, protection, and advancement of agriculture and forestry, except research and educational functions expressly allocated by the constitution or by law to other state agencies.

Offices

- Office of the Commissioner

The duties of the commissioner's office include administering the programs and functions of the department and setting policy directions for the agency. The commissioner serves as spokesperson for Louisiana agriculture throughout the state and nation to promote development of the agricultural industry and cooperate with federal agencies. The commissioner's office also provides farm crisis assistance.

- Office of Management and Finance

In addition to the typical responsibilities of an OMF office, the office of management and finance in the Department of Agriculture and Forestry coordinates and monitors the distribution of donated food commodities for the school lunch and other federal programs.

- Office of Soil and Water Conservation

It is a fact of agriculture that soil and water are depleted in the production of food and fiber: nutrients are removed from the soil, exposed soil tends to erode into streams, and runoff from agricultural lands often carries excessive nutrients, pesticides, and animal waste into streams. Consequently, if efforts are not made to preserve and conserve the supply and quality of these two essential resources, agriculture would not be sustainable over the long term. The office of soil and water conservation administers the state's conservation efforts. The office works with dozens of local soil and water conservation districts, landowners, and other governmental entities in planning and implementing soil and water conservation measures.

- Office of Agricultural and Environmental Services

This office is responsible for regulating the quality and safety of the raw materials of the agriculture industry; raw materials such as seed, fertilizer, and pesticide. Much of this work is done through sampling, testing, and analysis of agricultural input products sold in Louisiana. The office includes an agricultural chemistry laboratory, which is located at LSU and which performs much of the product testing. The office also operates horticulture and quarantine programs which work for the prevention, control, and eradication of crop and fruit pests and diseases. It also oversees the qualification and practice of persons engaged in horticulture related businesses.

- Office of Animal Health Services

The office of animal health services works to protect the health of livestock in Louisiana and to prevent and control the spread of diseases. For example, preventing the importation of mad cow disease is a current focus of the office. The office operates a Veterinary Medical Diagnostic Laboratory at LSU to perform diagnostic tests. This office also provides some quality control services applicable to the production and sale of meat, poultry, eggs, and fruits and vegetables.

- Office of Agro-consumer Services

The office of agro-consumer services performs several diverse functions. Within this office is the Louisiana Agricultural Commodities Commission, which licenses commercial warehouses, grain dealers, and cotton merchants and carries out quantity and quality inspections of warehoused commodities. The dairy division within the office oversees the dairy industry. In addition to regulating the quality of milk, the division regulates the price of milk through the Dairy Stabilization Board. Also within this office is the weights and measures division. This division inspects weighing and measuring devices to ensure fairness in the marketplace. The jurisdiction of the division extends beyond devices used in the agriculture industry to include things like gasoline pumps and taxi meters.

- Office of Marketing

The office of marketing assists in the promotion and selling of Louisiana food and agricultural and forestry products by providing services in agribusiness development, research and information gathering, dissemination of market information, and the coordination of special events. Promotion boards in the office of marketing include the Catfish Promotion and Research Board, Crawfish Promotion Board, Louisiana Dairy Industry Promotion Board, Rice Promotion Board, Rice Research Board, Soybean and Grain Research and Promotion Board, Strawberry Market Board, and the Sweet Potato Advisory Commission.

Agribusiness is one of the divisions included within the office. This division offers a variety of financial assistance programs to farmers, processors, and 4H and FFA participants. The programs include the Louisiana State Market Commission, the Louisiana Alligator Market Development Authority, the Farm Youth Loan Program, and the Link Deposit Loan Program. The division is also active in recruiting agriculture processing businesses to Louisiana.

- Office of Forestry

Forests comprise a significant portion of the states environment and are among its greatest natural resources. The office of forestry works to protect this resource through education, wildfire suppression, promoting sound forest management practices, reforestation efforts, and enforcing timber-related laws. The office also operates and maintains the Alexander State Forest and Indian Creek Recreation Area near Alexandria.

